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7 **UNITED STATES DISTRICT COURT**  
8 **DISTRICT OF NEVADA**  
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10 DR. RICHARD J. ANSSON, JR.,

11 Plaintiff,

12 v.

13 CLARK COUNTY, DEPARTMENT OF  
14 AIR QUALITY AND  
ENVIRONMENTAL MANAGMENT,

15 Defendant.

Case No. 2:10-CV-01863-KJD-RJJ

16  
17 **ORDER**

18 Currently before the Court is Defendant Clark County's Motion to Dismiss (#6), filed March  
19 7, 2011. On March 8, 2011, the Court issued a Klingele Order, that notified the Plaintiff of the  
necessity of responding to Defendant's dispositive Motion, and identified what Plaintiff must do to  
adequately oppose Defendant's Motion. Despite the Court's warning, to date, Plaintiff has failed to  
file points and authorities in opposition to Defendant's Motion as provided in Local Rule 7-2. Local  
Rule 7-2(d) allows the Court to consider failure to file points and authorities in opposition as consent  
to the granting of the motion.

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21 Additionally, the Court has reviewed Defendant's Motion, and finds it to have merit.  
22 Defendants seek that the Court dismiss Plaintiff's action pursuant to Fed. R. Civ. P. 12(b)(6),  
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1 because a department of the municipal government may not be sued without statutory authorization  
2 or a waiver of immunity. Here, Plaintiff has failed to demonstrate either.

3 Accordingly, **IT IS HEREBY ORDERED** that Defendant Clark County's Motion to  
4 Dismiss (#6) is **GRANTED**, without prejudice.

5 DATED this 4th day of April 2011.

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Kent J. Dawson  
9 United States District Judge  
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